



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश शासन द्वारा प्रकाशित

शिमला, मंगलवार, 13 जून, 1961/23 ज्येष्ठ, 1883

HIMACHAL PRADESH ADMINISTRATION

REVENUE DEPARTMENT

NOTIFICATION

Simla-4, the 24th April, 1961

No. 1-36/60-Rev. II.—In exercise of the powers delegated by the President under the proviso to Article 309 of the Constitution, *vide* Government of India, Ministry of Home Affairs, Notification No. F. 27/59-Him (i), dated the 13th July, 1959, the Lieutenant Governor, Himachal Pradesh, is pleased to make the following Rules in respect of the Class IV Service of the District Establishment under the head “25—General Administration” in Himachal Pradesh in regard to the following matters, namely:—

- (i) the method of recruitment to Himachal Pradesh Class IV Service of the district establishment under Head “25—GA”;
- (ii) the qualifications necessary for appointment to such service and posts; and
- (iii) the conditions of service of persons appointed to such service and posts for the purposes of probation, confirmation, seniority and promotion.

RECRUITMENT RULES

PART—I GENERAL

1. Short title and commencement.—(a) These rules may be called the Himachal Pradesh Class IV Service of District Establishment under head “25—G.A.” (Recruitment, Promotion and certain conditions of Service) Rules, 1960.

(b) These rules shall come into force from the date of Notification in the Official Gazette.

2. Definitions.—In these rules, unless there is anything repugnant in the subject or context:—

- (a) “recognised school” means any school run, managed and controlled by the Administration, or by the Territorial Council, or any other school declared or recognised by the Administration;
- (b) “Administration” means the Himachal Pradesh Administration;
- (c) “the service” means the Himachal Pradesh Class IV Service of District Establishment under “25—G.A.”;
- (d) “direct appointment” means an appointment made otherwise than by promotion from amongst the members of the service or by transfer of an official already in the service of the Administration or of the Union;
- (e) “Scheduled Castes” means the Castes, Races or Tribes or parts of or groups within Castes, Races or Tribes specified in the Constitution (Scheduled Castes) (Union Territories) Order, 1951, as amended by Part V of Schedule II read with sub-section (2) of section 3 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956 (63 of 1956);
- (f) “Scheduled Tribes” means the Tribes or Tribal communities or parts of or groups within Tribes of Tribal communities specified in Schedule to the Constitution (Scheduled Tribes) (Union Territories) Order, 1951, as amended by Part IV of Schedule IV read with sub-section (2) of section 4 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956 (63 of 1956);
- (g) “Member” means a member of the Himachal Pradesh Class IV Service of District Establishment under head “25—G.A.”.

PART II—RECRUITMENT TO SERVICE

3. Character of Posts.—The character (*i. e.* designation, grade etc.) of the various posts included in the service and their rates of pay shall be as indicated in the Annexure to these Rules. Each district shall have a separate cadre.

4. Authority empowered to make appointments.—All appointments to posts in the service shall be made by the Deputy Commissioner of the respective district.

5. Nationality eligibility and age etc.—(1) A candidate for appointment to any post in the service must be:—

- (a) A citizen of India; and
- (b) (i) who or whose father has been continuously residing in Himachal Pradesh for a period of not less than three years immediately preceding the last date fixed for making applications for appointment to a post; or

(ii) whose father, if dead, continuously resided in Himachal Pradesh for a period of not less than three years immediately preceding his death and who has, after the death of his father, continued to reside in Himachal Pradesh upto the last date fixed for making applications for appointment to a post:

Provided that any period of temporary absence from Himachal Pradesh for the purpose of prosecuting his studies or for undergoing medical treatment or any period of such temporary absence not exceeding three months for any other reason, shall not be deemed to constitute a break in the continuity of such residence, but for the purpose of calculating the said period of three years any such period of temporary absence shall be excluded; and

(iii) who produces before the appointing authority concerned, if so required by it a certificate of eligibility granted under rule 4, of the Himachal Pradesh, Manipur and Tripura Public Employment (Requirement as to Residence) Rules, 1959:

Provided further that in case the Lieutenant Governor, in any exceptional case and for reasons to be recorded in writing, relaxes the provisions of sub-rule (1) of this rule, in exercise of his discretion under rule 5 of the Himachal Pradesh, Manipur and Tripura Public Employment (Requirement as to Residence) Rules, 1959, a candidate for appointment to any post in the service must be:—

- (a) a citizen of India; or
- (b) a subject of Sikkim; or
- (c) a subject of Nepal or of a Portuguese possession in India; or
- (d) a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India:

Provided that if he belongs to category (c) or (d) he must be a person in whose favour a certificate of eligibility has been given by the Government of India:

Provided further that if he belongs to category (d), the certificate of eligibility will be valid only for a period of one year from the date of his appointment beyond which he can be retained in service only if he has become a citizen of India.

A candidate in whose case a certificate of eligibility is necessary, may be admitted to an examination or interview and he may also provisionally be appointed subject to the necessary certificate being eventually granted to him by the Government of India; and

(2) Unless he is already in Government service must produce:—

- (i) a certificate of good moral character from the head of his educational or technical institution last attended;
- (ii) certificates of good moral character from two responsible persons, not being his relatives, who are well acquainted with him in private life and unconnected with his school or other educational institution;
- (iii) a medical certificate, as required by rule 10 of Fundamental Rules and rules 3 and 4 of Supplementary Rules;
- (iv) a declaration to the effect that he has not more than one living wife;

(v) in the case of female government servant, a declaration to the effect that she has not married a person having already a living wife:

Provided that the Himachal Pradesh Administration may, if satisfied, that there are special grounds for doing so, exempt any person from the operation of rules in clauses (iv) and (v) above.

(3) Must not be less than 18 years and not more than 25 years of age on date of his appointment:

Provided further that the minimum and maximum age limits as prescribed may be relaxed in pursuance of the Administrative instructions given in Appendix 3 of the Posts and Telegraphs Compilation of the Fundamental and Supplementary Rules, Volume II:

Provided further that the maximum age limit may be relaxed in the case of Scheduled Castes/Tribes candidates, displaced persons and other special categories in accordance with the orders issued by the Government of India from time to time.

6. Educational qualifications of candidates.—No person shall be appointed to the service, unless in the case of appointment to the post of:—

- (i) *Peons and Jamadars*.—He has passed the Primary standard of a recognised school or above. The prescribed educational qualification will be relaxed in case of Departmental promotion;
- (ii) *File Fetcher and Daftari*.—He has passed the Middle standard of a recognised school. The prescribed qualification will be relaxed in the case of departmental promotions.
- (iii) *Mallies, Chawkidars, Sweepers and other Class IV servants*.—He must be literate:

Provided that the conditions as prescribed above may be relaxed, in special circumstances, by the Financial Commissioner, Himachal Pradesh.

7. Method of Recruitment.—Posts in the service shall be filled either by promotion or by direct appointment in the following manners:—

- (1) *Peons, Mallies, Chawkidars, Sweepers and other Class IV servants*.—By transfer of a person already in the service of the Union or by direct recruitment.
- (2) *Jamadars*.—By promotion from amongst peons and others Class IV servants of the same district on the basis of seniority subject to the rejection of the unfit.
- (3) *Daftaries*.—By promotion from amongst peons of the same district on the basis of seniority subject to the rejection of the unfit.
- (4) *File Fetchers*.—By promotion from amongst the Jamadars and Daftaries of the same district on the basis of seniority subject to the rejection of the unfit. One vacancy out of four will be filled by Jamadars:

Provided that 23 per cent and 5 per cent of the vacancies shall be filled up from the candidates belonging to Scheduled Castes and Scheduled Tribes respectively subject to the minimum qualifications being satisfied by them:

Provided further that the vacancies reserved for outside candidates shall be notified to the Employment Exchanges in Himachal Pradesh, and if, necessary, will also be advertised.

PART—III CONDITIONS OF SERVICE

8. Probation of Members of service.—(i) Members of the service who are appointed against permanent vacancies shall, on appointment to any post in the service, remain on probation for a period of two years in the case of direct recruitment or on trial for a period of one year in the case of promotion.

Explanation.—Approved officiating service shall be taken as a period spent on probation but no member who is officiating in any appointment shall on the completion of the probationary period prescribed, be confirmed until he is appointed against a permanent vacancy.

(ii) If the work or conduct of any member during his period of probation is, in the opinion of the appointing authority, not satisfactory, the appointing authority may dispense with his services or revert him to his former post if he has been appointed to that post otherwise than by direct recruitment.

(iii) On the completion of the period of probation of any member, the appointing authority prescribed in rule 4, may confirm such member in his appointment or if his work or conduct has, in the opinion of the appointing authority, not been satisfactory may dispense with his services, or revert him to his former post, if he has been appointed otherwise than by direct appointment, or may extend the period of probation and thereafter pass such orders on the expiry of the extended period of probation as it could have passed on the expiry of the first period of probation.

Provided always that the total period of probation including extension, if any, shall not exceed three years.

9. Scale of Pay etc., of the service.—The grades of pay of each class of the service are mentioned in the Annexure to these Rules subject to their revision from time to time.

10. Discipline.—In respect of discipline, punishment and appeals, the members of the service shall be governed by the provisions of Central Civil Services (Classification, Control and Appeal) Rules, 1957, and the Central Civil Services Conduct Rules, 1955, as amended from time to time.

11. Departmental Promotion Committee.—(1) The Departmental Promotion Committee in respect of the service shall be as constituted by the Financial Commissioner in each District from time to time.

12. Seniority of Members of service.—(1) Subject to the provisions of paragraph 2 below, persons appointed in a substantive or officiating capacity to a grade prior to the issue of these Rules shall retain the relative seniority already assigned to them and shall *en-block* be senior to all others in that grade.

Explanation.—For the purpose of these Rules;—

- (a) persons who are confirmed retrospectively with effect from a date earlier than the issue of these rules; and
- (b) persons appointed on probation to a permanent post substantively vacant in a grade prior to the issue of these Rules shall be considered to be permanent officers of the grade.

(2) Subject to the provisions of paragraph 3 below, permanent officers of each grade shall be ranked senior to persons who are officiating in that grade.

(3) *Direct Recruits*.—Notwithstanding the provisions of sub-rule 2 above, the relative seniority of all direct recruits shall be determined by the order of merit in which they are selected for such appointment, on the recommendations of the selecting authority, persons appointed as a result of an earlier selection being senior to those appointed as a result of a subsequent selection:

- (i) Provided that where persons recruited initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not the original order of merit;
- (ii) Provided further that a person who does not join within the specified period shall lose his seniority according to the select list and shall rank in the seniority list next to the persons who joined earlier;
- (iii) Provided further that he shall not lose his seniority, if the fact of his joining later was caused by circumstances beyond his control and for the reasons to be recorded in writing, the appointing authority is satisfied that this was so.

(4) *Promotees*.—(i) The relative seniority of persons promoted to the various grades shall be determined in the order of their selection for such promotion:

Provided that where persons promoted initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their promotion seniority shall follow the order of confirmation and not the original order of merit.

(ii) Where promotions to a grade are made from more than one grade, the eligible persons shall be arranged in separate lists in the order of their relative seniority in their respective grades. Thereafter the Departmental Promotion Committee shall select persons for promotion from each list upto the prescribed quota and arrange all the candidates selected from different lists in a consolidated order of merit which will determine the seniority of the persons on promotion to the higher grade.

(5) *Transferees*.—The relative seniority of persons appointed by transfer to the service from the other offices or the Central Government or other departments of State Government shall be determined in accordance with the order of their selection for such transfer.

(6) *Relative Seniority of Direct Recruits and Transferees*.—*Transferees* shall be senior to direct recruits appointed on the same date.

13. Leave and Pensions etc.—In respect of leave, pension and other (cognate) matters not specifically mentioned in these rules, the members of the service shall be governed by the Revised Leave Rules, 1933, given in Appendix 7-A, Volume II of the Posts and Telegraphs Compilation of the Fundamental Supplementary Rules and the Pension Rules Promulgated by the Government of India in Finance Ministry's Office Memo. No. F. 3 (1)-Est. (Spl)/47, dated the 17th April, 1950 (as amended from time to time) unless one has already exercised one's option otherwise.

14. Other conditions of service.—In respect of conditions of service other than those covered by these Rules members of the service shall be governed by Government of India, Ministry of Home Affairs Notification No. 27/59-Him-(II), dated the 13th July, 1959.

O. N. MISRA,
Secretary.

ANNEXURE

Sl. No.	Particulars of posts	Scales of pay	Remarks
1.	File Fetchers	.. Rs. 42-1/2-2-62-1/2	
2.	Daftaries	.. Rs. 35-1-50	
3.	Jamadars	.. Rs. 32-1-37	
4.	Peons		
5.	Mallies		
6.	Chowkidars		
7.	Sweepers		
8.	Other Class IV servants	Rs. 30-1/2-35	Scales of pay are subject to revision from time to time.